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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Walter Keller

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7590

09/01/2006

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

91

<b>Office Action Summary</b>	<b>Application No.</b> 09/786,646	<b>Applicant(s)</b> KELLER, WALTER	
	<b>Examiner</b> Nittaya Juntima	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1, 4, 14 and 17-20 is/are ~~withdrawn from consideration~~ <sup>cancelled</sup>.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-13, 15, 16 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the amendment filed on 6/13/2006.
2. The objection to the claim is withdrawn in view of applicant's amendment.
3. Claims 1, 4, 14, and 17-20 were cancelled.
4. Claims 21, 2-3, and 11-13 remain rejected under 102(e).
5. Claims 5-10 and 15-16 remain rejected under 103(a).

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21, 2-3, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Basu et al. ("Basu") (USPN 6,097,733).

Regarding claim 21, Basu teaches a method for the optimized transmission of multimedia services in a mobile communications network, particularly a mobile radio communications network (Fig. 6), comprising the steps of:

Providing a functional unit (mobile 602 in Fig. 6) on a user's side as well as a functional unit (Base station 600 in Fig. 6) on a core network side for handling a multimedia data stream (a

multimedia data stream reads on voice from terminal unit 39 and multimedia data from terminal unit 41, collectively, col. 11, lines 28-39),

Recognizing, in the functional units (mobile 602 and Base station 600 in Fig. 6) and depending on the direction of the multimedia data stream (from mobile 602 to Base station 600), particular applications (voice and multimedia applications) within the multimedia data stream by means of suitable parameters in form of protocol variations (because (i) the mobile unit is connected to terminal units 39 and 41 which transmit different type of data separately, col. 11, lines 30-39, and (ii) as shown in Fig. 5, a bandwidth management unit 500 contained in a service interface of the base station and in a multimedia interface of the mobile unit is responsible for transmitting and receiving different type of data including voice protocol and multimedia data in TCP/IP protocol separately, col. 10, lines 29-44, col. 11, lines 22-27, see also col. 7, lines 50-52 and col. 9, lines 10-14, therefore, the mobile and the base station must recognize the voice and multimedia data applications based on the voice and multimedia protocols).

Separating the recognized applications completely or in part by their specific data structure and generating several data streams (voice logical connection and multimedia logical connection are transmitted separately from mobile 602 to base station 600 as shown in Fig. 6), transmitting the several data streams individually and in parallel by their specific data structure via available transmission channels of the mobile communications network which are optimized for respective, needs of the individual data streams (voice and multimedia, e.g. TCP/IP data, are separated and transmitted in different logical connections via available channels as shown in Fig. 6, col. 11, lines 28-39, col. 8, lines 34-66, col. 9, lines 27-31, col. 10, lines 17-28).

Re-assembling the data streams on a receiver side (base station 600 in Fig. 6), optionally not aggregating completely some application-specific components (multimedia data, e.g. TCP/IP packets) of the data streams, and further transmitting the non-aggregated components at least in part as a separate data stream within the mobile communications network (a separate data stream reads on other circuitry contained in the base station) (the voice and multimedia data carried by the separate logical connections shown in Fig. 6 must be received by the bandwidth management unit 500, Fig. 5 of the base station 600 where the received data would be assembled and decompressed separately, then the multimedia data stream containing TCP/IP packets would be further passed to other circuitry contained in the base station, col. 8, lines 34-62, col. 10, lines 29-33, col. 11, lines 12-39).

Per claim 2, Basu teaches that a data-specific separation (the separation of voice and multimedia data over separate logical connections shown in Fig. 6, col. 6, lines 28-39), which overcomes an air interface for the purpose of optimal use of frequency resources (the radio 454 of the mobile unit operates at varying frequencies in CDMA mode, col. 10, lines 7-27) and to obtain optimal transmission quality of individual applications within a multimedia application (allocation of multiple communication bandwidth segments for a single logical communication path to establish and maintain a grade of service, col. 6, lines 36-42 and col. 8, lines 63-66).

Per claims 3 and 13, it is inherent that reassembling the data streams that were separated according to data structure after optimized parallel transmission (allocation of multiple logical connection bandwidths for a single logical communication path) into the original data streams such that optimization is transparent to the user (the voice and multimedia data carried by the separate logical connections over a single logical communication path from mobile 602 in Fig. 6

and received by the bandwidth management unit 500, Fig. 5 of the base station 600 where the received data would be assembled and decompressed separately must be transparent to the user since the bandwidth allocation is performed automatically at the base station 600 without user involvement, col. 8, lines 34-67, col. 10, lines 29-33, col. 11, lines 12-39).

Regarding claim 11, Basu further teaches enabling a network provider to allocate channels for dynamic load distribution and load optimization of alternative transmission channels (a network provider that operates the base station 600 must allocate bandwidths of other logical connections connected to mobiles 604 and 606 as shown in Fig. 6, col. 11, lines 37-39, 46-57 and col. 8, lines 63-66).

Regarding claim 12, Basu also teaches enabling the user to use the method for a customer-specific selection and choice method in areas including speed of transmission, services used, priorities, quality of service and costs (subscribed levels which inherently must include data rate, services used, priorities, QoS, and costs, col. 3, lines 37-55).

8. Claims 5 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basu et al. ("Basu") (USPN 6,097,733) in view of an art of record (WO 95/18491).

Per claims 5 and 15-16, Basu fails to teach that the functional unit on the user's side (mobile 602, Fig. 6) as well as the functional unit on the side of the core network (Base station 600 in Fig. 6) are designed such that a permanent method for updating to new methods and protocols as recited in the claims is possible.

However, the art of record teaches that a data communication device is designed in its software modules for microprocessors (firmware) such that an update of partial functions is provided wirelessly which allows for a permanent method for updating new methods and

Art Unit: 2616

protocols (firmware, which must include protocol, conversion, and algorithm-specific components, is updated wirelessly, Abstract, Fig. 1, page 10, lines 31-page 11, lines 1-10).

Given the teaching of the art of record, it would have been obvious to one skilled in the art at the time the invention was made to modify the functional unit on the user's side as well as the functional unit on the side of the core network to be designed in their protocol, conversion, and algorithm-specific components preferably as software modules for microprocessors in such a way that an update of partial functions as needed via the mobile radio communications network is possible, which thus allows for a permanent method for updating to new methods and protocols as recited in the claim. The motivation/suggestion to do so would have been to enable software updates to be provided to the user wirelessly as taught by the art of record (page 11, ll 6-10).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basu et al. ("Basu") (USPN 6,097,733) in view of an art of record (WO 97/26739).

Per claim 6, Basu fails to teach providing an optional connection between the network functional unit and a CCBS of a network operator as recited in the claim.

However, as shown Fig. 1, the art of record teaches a connection between a base station (BSC) and a CCBS (a billing gateway support node BGGSN) of a network operator (operator 1) for the billing of offered services and a creation and verification of use by a single user (BGGSN receives user-specific charging information and forwards charging information to a charging system which must inherently include creation and verification of use by a single user, Abstract and page 8, lines 6-page 9, lines 1-3).

Since the network functional unit (Base station 600 in Fig. 6) of Basu is a base station and given the teaching of the art of record with a connection between the base station and Customer Care and Billing System, it would have been obvious to one skilled in the art when the invention was made to include having an optional connection between the network functional unit (the base station) and a CCBS of a network operator for the billing of offered services and a creation and verification of the use covered by the method by a single user. The motivation/suggestion to do so would have been to provide charging information as taught by the art of record (Abstract).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basu et al. ("Basu") (USPN 6,097,733) in view of Sakoda et al. ("Sakoda") (USPN 6,088,345).

Regarding claim 7, Basu does not explicitly teach that the functional unit on the user's side (mobile 602 in Fig. 6) as well as the functional unit on the side of the core network (a base station 600 in Fig. 6) communicate with each other by means of inband signaling (a signal requesting to set another transmission channel is transmitted using a part of the predetermined transmission channel), such that the needs of an optimized data transfer via various transmission channels between the functional units are met.

However, Sakoda that a functional unit on the user's side (a terminal apparatus, Fig. 10) and a functional unit on the side of a core network (a base station shown in Fig. 2) communicate with each other by means of inband signaling (a signal requesting to set another transmission channel is transmitted using a part of the predetermined transmission channel), such that the needs of an optimized data transfer via various transmission channels between the functional units are met (col. 12, lines 34-45).



Therefore, it would have been obvious to one skilled in the art when the invention was made to modify the teaching of Basu to include the teaching of Sakoda such that the functional unit on the user's side as well as the functional unit on the side of the core network communicate with each other by means of inband signaling, such that the needs of an optimized data transfer via various transmission channels between the functional units are met as recited in the claim. The suggestion/motivation to do so would have been to set another transmission during a communication that is in progress to transmit data of a type different from the data currently communicated by using other transmission channel thus set as taught by Sakoda (col. 12, lines 41-45).

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basu et al. ("Basu") (USPN 6,097,733).

Claims 8 and 9 contain similar limitations recited in claim 21 with the exception that Basu does not teach that the functional unit (Base station 600 in Fig. 6) on the side of the core network to provide an additional service to the user by optional conversion of the data streams from the user into other standardized multimedia or protocol forms and to transmit them through alternative pathways as recited in claim 8, and to handle appropriate routing and signaling mechanisms to transmit application or data structure specific parts of multimedia data streams via various transmission networks as recited in claim 9.

However, as shown in Fig. 1 of Basu that the base station 102 is also connected to alternative pathways, e.g., PSTN 116 and Internet 114 (col. 2, lines 60-65). An official notice is taken that it is well known in the art that the connection between the base station and the PSTN and/or Internet may be supported by standardized multimedia or protocol forms, e.g., dual tone,

Art Unit: 2616

ATM, IP, SONET, Ethernet, etc., and in order for the base station to successfully forward the data such as voice and data packets (TCP/IP) received from the mobile user to the PSTN and/or Internet for its final destination, it is also well known in the art that the base station would have to convert the data into the standardized multimedia or protocol forms supported by the PSTN and/or Internet and to handle appropriate routing and signaling mechanisms to transmit application such as voice via various transmission networks such as mobile communications network and PSTN.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Basu such that the functional unit would provide an additional service to the user by optional conversion of the data streams from the user into other standardized multimedia or protocol forms and to transmit them through alternative pathways and would handle appropriate routing and signaling mechanisms to transmit application or data structure specific parts of multimedia data streams via various transmission networks. The motivation/suggestion to do would have been to further forward the data to its final destination using the appropriate protocols, routing and signaling mechanisms supported by the alternative pathways/various transmission networks.

Regarding claim 10, Basu does not teach that the claimed method may be used in fixed network systems in like manner as needed. However, it would have been obvious to one skilled in the art at the time the invention was made to apply the claimed method in fixed network systems as such application involves only routine skills in the art as long as it does not yield any unexpected results.

***Response to Arguments***

12. Applicant's arguments filed 6/13/2006 have been fully considered but they are not persuasive.

A. In the remarks regarding claim 21, the applicant argues that Basu does not teach the limitation of not aggregating completely some application-specific components of the data streams and then further transmitting the non-aggregated components at least in part as a separate data stream within the mobile communications network.

In response, Basu clearly teach the limitation of not aggregating completely some application-specific components (multimedia data, e.g., TCP/IP packets) of the data streams (the data streams read on voice logical connection and multimedia logical connection that are transmitted separately from mobile 602 to base station 600 as shown in Fig. 6), and further transmitting the non-aggregated components (multimedia data, e.g., TCP/IP packets) at least in part as a separate data stream within the mobile communications network (a separate data stream within the mobile communications network reads on other circuitry contained in the base station) as follows:

re-assembling the data streams on a receiver side, "*The data assembly unit 502 assembles received data,*" (col. 11, lines 16-17),

not aggregating completely some application-specific components of the data streams:

*"Once the data has been assembled at the data assembly unit 502, the data is passed to the decompression unit 504. Such data is decompressed by the voice decompression unit 520 and the data decompression unit 522 as the case may be. The data decompression unit 504 produces the multimedia data, for example in the TCP/IP format and the voice data format,"* (col. 11, lines 22-27 and Fig. 5),

Art Unit: 2616

and further transmitting the non-aggregated components at least in part as a separate data stream within the mobile communications network:

*“When packets for data, for example TCP/IP packets, are received, ...The receive bandwidth assembly block 316 then assembles the segmented packets into correctly assembled data block(s). After the data is correctly assembled, the data is passed to decompression block 318 where it is decompressed and then to the electronics interface unit 314. From the electronics interface unit 314, the data is passed to other circuitry contained in the base station,”* (col. 8, lines 49-62 and Fig. 3).

Since the base station is part of the mobile communications network shown in Fig. 1, and the claim does not exclude the base station as part of the mobile communications network, therefore, passing the multimedia data stream containing TCP/IP packets, which is part of the original multimedia data stream containing voice and TCP/IP packets, to other circuitry within the base station clearly meet the limitation of transmitting the non-aggregated components as a separate data stream within the mobile communications network as claimed. Accordingly, the rejection is sustained.

B. In the remarks regarding claims 8 and 9, applicant argues that Basu fails to teach that a particular type data received in the base station is converted to another type of data and asserts that the data stream of a particular type and in a particular format is received in the base station and forwarded to the correct network, PSTN or Internet, supporting this kind of data, depending on the data format of the data stream.

It is noted that the Examiner agreed that Basu does not explicitly teach converting the data streams from the user into other standardized multimedia or protocol forms and transmitting them through alternative pathways as recited in claim 8, and handling appropriate routing and

Art Unit: 2616

signaling mechanisms to transmit application or data structure specific parts of multimedia data streams via various transmission networks as recited in claim 9.

However, as agreed by the applicant and shown in Fig. 1 of Basu that the base station 102 is connected to alternative pathways, e.g., PSTN 116 and Internet 114 (col. 2, lines 60-65), and that the data stream of a particular type and in a particular format is received in the base station and forwarded to the correct network, PSTN or Internet, supporting this kind of data, depending on the data format of the data stream (col. 5, lines 26-42).

An official notice is taken that it is well known in the art that the connection between the base station and the PSTN and/or Internet may be supported by standardized multimedia or protocol forms, e.g., dual tone, ATM, IP, SONET, Ethernet, etc., and in order for the base station to successfully forward the data such as voice and data packets (TCP/IP) received from the mobile user to the PSTN and/or Internet for its final destination, it is also well known in the art that the base station would have to convert the data into the standardized multimedia or protocol forms supported by the PSTN and/or Internet and to handle appropriate routing and signaling mechanisms to transmit application such as voice via various transmission networks such as mobile communications network and PSTN.

It is noted that the applicant did not challenge the official notice assertion from which the common knowledge statement was made or point out an error in the motivation. As such, the rejection of claims 8 and 9 based on official notice is proper and maintained.

### ***Conclusion***

Art Unit: 2616

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

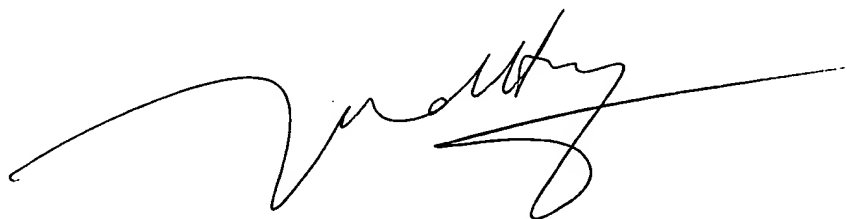
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nittaya Juntima

August 25, 2006  
NJ

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

**HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**